

AGENDA
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Monday, January 17, 2022

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ew40/>

SUBJECT	DESCRIPTION	PRESENTER
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Organizational Meeting

COMMITTEE MEMBERS

Chairman Gibbs
Vice Chairman Lickley
Rep Moyle
Rep Wood
Rep Boyle
Rep Vander Woude

Rep Gestrin
Rep Mendive
Rep Kauffman
Rep Blanksma
Rep Addis
Rep Moon

Rep Manwaring
Rep Okuniewicz
Rep Yamamoto
Rep Rubel
Rep Mathias
Rep Burns

COMMITTEE SECRETARY

Tracey McDonnell
Room: EW62
Phone: 332-1136
Email: hres@house.idaho.gov

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Monday, January 17, 2022

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Gibbs, Vice Chairman Lickley, Representatives Moyle, Wood, Boyle, Vander Woude, Gestrin, Mendive, Kauffman, Blanksma, Addis, Moon, Manwaring, Okuniewicz, Yamamoto, Rubel, Mathias, Burns

**ABSENT/
EXCUSED:** Representative(s) Boyle, Blanksma, Okuniewicz

GUESTS: None

Chairman Gibbs called the meeting to order at 1:31pm.

Chairman Gibbs welcomed back the committee members and the Secretary, and welcomed new committee member **Rep. Burns** and committee Page **Hope Alles**. He assigned **Reps. Manwaring and Mathias** as proofreaders. Chairman Gibbs announced the committee would utilize the new remote testimony program and asked everyone to be patient as they learn to navigate through the complexities of the new system.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 1:40pm.

Representative Gibbs
Chair

Tracey McDonnell
Secretary

AGENDA
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Wednesday, January 19, 2022

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ew40/>

SUBJECT	DESCRIPTION	PRESENTER
15-0301-2100F	Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule	Jennifer Okerlund, Idaho Forest Products Commission
37-0000-2100	Notice of Omnibus Rulemaking - Proposed Rule	Mat Weaver, Idaho Department of Water Resources
37-0000-2100F	Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule	Mat Weaver
37-0307-2101	Stream Channel Alteration Rules (New Chapter, Fee Rule) - Proposed Rule	Mat Weaver
37-0101-2101	Rules of Procedure of the Idaho Department of Water Resources and Idaho Water Resource Board (New Chapter, Fee Rule) - Proposed Rule	Peter Anderson, Idaho Department of Water Resources

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

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Vice Chairman Lickley
Rep Moyle
Rep Wood
Rep Boyle
Rep Vander Woude

Rep Gestrin
Rep Mendive
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Rep Yamamoto
Rep Rubel
Rep Mathias
Rep Burns

COMMITTEE SECRETARY

Tracey McDonnell
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MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Wednesday, January 19, 2022

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Gibbs, Vice Chairman Lickley, Representatives Moyle, Wood, Boyle, Vander Woude, Gestrin, Mendive, Kauffman, Blanksma, Addis, Moon, Manwaring, Okuniewicz, Yamamoto, Rubel, Mathias, Burns

**ABSENT/
EXCUSED:** Chairman Gibbs, Representative(s) Wood, Gestrin, Blanksma, Burns

GUESTS: The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

Chairman Lickley called the meeting to order at 1:30pm.

MOTION: **Rep. Mathias** made a motion to approve the minutes of the January 17, 2022 meeting. **Motion carried by voice vote.**

DOCKET NO. 15-0301-2100F: **Jennifer Okerlund**, Director, Idaho Forest Products Commission, stated this omnibus pending fee rule docket as written was before the committee during the 2021 Session. She indicated no changes were made from what the committee reviewed and approved last Session.

MOTION: **Rep. Manwaring** made a motion to approve **Docket No. 15-0301-2100F**. **Motion carried by voice vote.**

DOCKET NO. 37-0000-2100: **Mat Weaver**, Deputy Director, Idaho Department of Water Resources, stated this omnibus pending non-fee rule as written was before the committee during the 2021 Session. He indicated with one exception, there were no changes made from what the committee reviewed and approved last Session. He stated the rule chapter that did change from 2021 is **IDAPA 37-02.01**, Comprehensive State Water Plan Rules, which governs the designation of waterways as interim protected rivers and includes processes for adopting and amending the Comprehensive State Water Plan to make temporary interim protected river designations permanent.

Mr. Weaver explained, after a thorough review by Department staff and the Office of the Attorney General, they determined there was no current need to substantively amend or add to the rule, that some of the rule described outdated processes that were no longer needed, and three large portions of the rule were restating Idaho Code. As a result, the Water Resource Board chose to terminate the rulemaking associated with the Comprehensive State Water Plan Rule, and instead, eliminated those sections of the rule that were not needed resulting in an 80% reduction from over 3,200 words to 611 words.

MOTION: **Rep. Addis** made a motion to approve **Docket No. 37-0000-2100**. **Motion carried by voice vote.**

DOCKET NO. 37-0000-2100F: **Mat Weaver**, Deputy Director, Idaho Department of Water Resources, stated this omnibus pending fee rule docket as written was before the committee during the 2021 Session. He indicated no changes were made from what the committee reviewed and approved last Session.

MOTION: **Rep. Manwaring** made a motion to approve **Docket No. 37-0000-2100F**. **Motion carried by voice vote.**

**DOCKET NO.
37-0307-2101:**

Mat Weaver, Deputy Director, Idaho Department of Water Resources, stated this fee rule docket revises the Stream Alteration Rule, specifically Rule 61, which is a minimum standards rule that describes standards for small scale mining with suction dredges, powered sluices, or non-powered equipment. He explained mining operations meeting these minimum standards are not subject to more stringent procedural permit requirements described by law and mining operations meeting the Rule 61 minimum standards receive an expedited permit approval.

Mr. Weaver remarked the Department, in following **Director Spackman's** commitment to initiate negotiated rulemaking of Rule 61 in 2021, did host two public negotiation meetings and received at least three rounds of written comments. He remarked most that participated in the negotiated rulemaking supported keeping the minimum standards rule and the expedited permit process it authorizes.

In response to committee concerns regarding the National Oceanic and Atmospheric Administration's (NOAA) comments regarding mechanized equipment and stream bank protections, **Mr. Weaver** stated the issue is with characterizing the activity and the definition of mechanized. As a result, one of the substantive changes in the rule is to base regulation on whether a machine, or mechanized equipment, is powered or non-powered. He clarified, a machine is considered powered by any means other than by a human; for instance, gas powered and electric powered are machines. Once it was clarified how the Department would regulate the activity, NOAA's comments were pulled.

Jonathan Oppenheimer, Idaho Conservation League, spoke **in opposition to Docket No. 37-0307-2101**. He stated there is concern about the impact mining will have on sensitive fish habitat, in particular habitat that has been designated for threatened and endangered species such as steelhead salmon. The ICL participated in the negotiated rulemaking process and believes that with some of the changes made, there will be increased impacts to rivers and streams by allowing winches. He commented the rules are vague regarding winch operations because a winch offers mechanical power to increase human strength. As a result, ICL believes more work is needed clarifying the rules for mechanized and powered equipment.

MOTION:

Rep. Moon made a motion to approve **Docket No. 37-0307-2101. Motion carried by voice vote. Reps. Rubel and Mathias** requested to be recorded as voting **NAY**.

**DOCKET NO.
37-0101-2101:**

Peter Anderson, Hearing Officer Coordinator, Idaho Department of Water Resources, stated this docket is a new fee rule on rules of procedure of the Idaho Department of Water Resources and the Water Resource Board. He indicated no fee amounts were changed as a result of this new rule chapter. He explained the Department is required by statute to either adopt its own rules of procedure or use the generic Attorney General's rules, that is, the rules on how to make rules, as well as rules for contested cases. After consideration and input from the public, the Department determined an updated and targeted set of contested case rules specific to the Department's responsibility to administer water rights was necessary and moved forward with negotiated rulemaking.

MOTION:

Rep. Addis made a motion to approve **Docket No. 37-0101-2101. Motion carried by voice vote. Rep. Mathias** requested to be recorded as voting **NAY**.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 2:09pm.

Representative Lickley
Chair

Tracey McDonnell
Secretary

AGENDA
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Tuesday, January 25, 2022

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ew40/>

SUBJECT	DESCRIPTION	PRESENTER
RS 29200	Confined Animal Feeding Operations	David Claiborne, Sawtooth Law Offices
RS 29041C1	Water, Revolving Account Loans	Brian Patton, Idaho Department of Water Resources
RS 29069C1	Endowment Land, Notices, Violations	Scott Phillips, Idaho Department of Lands
DOCKET NO.:		
20-0000-2100	Notice of Omnibus Rulemaking - Proposed Rule	Dustin Miller, Idaho Department of Lands
20-0000-2100F	Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule	Dustin Miller
20-0309-2101	Easements on State-Owned Navigable Waterways (New Chapter, Fee Rule) - Proposed Rule	Scott Phillips
20-0601-2101	Rules of the Idaho Board of Scaling Practices (New Chapter, Fee Rule) - Proposed Rule	Archie Gray, Idaho Department of Lands
20-0201-2101	Rules Pertaining to the Idaho Forest Practices Act (New Chapter) - Proposed Rule	Archie Gray

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If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

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Rep Wood
Rep Boyle
Rep Vander Woude

Rep Gestrin
Rep Mendive
Rep Kauffman
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Rep Addis
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Rep Okuniewicz
Rep Yamamoto
Rep Rubel
Rep Mathias
Rep Burns

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MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Tuesday, January 25, 2022

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Gibbs, Vice Chairman Lickley, Representatives Moyle, Wood, Boyle, Vander Woude, Gestrin, Mendive, Kauffman, Blanksma, Addis, Moon, Manwaring, Okuniewicz, Yamamoto, Rubel, Mathias, Burns

**ABSENT/
EXCUSED:** Representative(s) Blanksma

GUESTS: The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

Chairman Gibbs called the meeting to order at 1:30pm.

Chairman Gibbs announced this committee will allow for remote testimony moving forward and will utilize the testimony timer if the number of testifiers warrants limiting individual times. He also indicated, depending on the number of testifiers, overall public testimony may be limited due to time constraints of the committee, so not everyone may be called upon to testify. Chairman Gibbs stated beginning Monday, January 31, 2022, everyone wanting to testify, either remotely or in person, must sign up online. There will no longer be sign-up sheets in the committee room.

MOTION: **Rep. Mathias** made a motion to approve the minutes of the January 19, 2022 meeting. **Motion carried by voice vote.**

RS 29200: **David Claiborne**, Sawtooth Law Offices, representing Idaho Dairymen's Association, stated this proposed legislation will make a fund available to support investments in environmental projects on Confined Animal Feeding Operations (CAFOs) to improve livestock byproduct, waste, nutrient and water management, and its land application and storage systems. He explained, currently CAFOs are not eligible for these projects because they do not directly discharge into water bodies. This legislation would provide a direct funding source for environmental and water quality improvement projects awarded and facilitated through the Department of Environmental Quality (DEQ).

MOTION: **Rep. Lickley** made a motion to introduce **RS 29200**. **Motion carried by voice vote.**

RS 29041C1: **Brian Patton**, Executive Officer, Idaho Department of Water Resources, explained this proposed legislation is in response to a Legislative Services Office audit, which identified a discrepancy with language in **Idaho Code 42-1756(5)**. He explained, this Code governs the security interest requirements of loans made by the Water Resource Board from its Revolving Development Account, and the Board's actual practices of securing loans. While the existing language applies to securing loans to non-governmental borrowers, such as canal companies, it does not match the processes that govern incurring and securing debt by public entities such as irrigation districts, ground water districts, flood control districts, or drainage districts. Mr. Patton stated **RS 29041C1** specifies the Board may enter into loan security arrangements appropriate to the lender and all borrowers that come to the Board for a loan.

MOTION: **Rep. Wood** made a motion to introduce **RS 29041C1**. **Motion carried by voice vote.**

RS 29069C1: **Scott Phillips**, Policy and Communications Chief, Idaho Department of Lands, explained when unwanted recreational uses impact the Department's ability to generate revenue from activities on endowment lands like timber production and grazing, they need a statutory tool to address the negative impacts. He stated this proposed legislation will establish infraction-level charges for violating restrictions on the use of endowment lands, as long as the public is given appropriate notice of the restrictions. Currently, those who damage endowment lands face misdemeanor or felony charges, creating a permanent criminal record. This legislation would create a citation with a \$250 fine for the first offense.

MOTION: **Rep. Lickley** made a motion to introduce **RS 29069C1**. **Motion carried by voice vote.**

Chairman Gibbs turned the gavel over to **Vice Chair Lickley**.

DOCKET NO. 20-0000-2100: **Dustin Miller**, Director, Idaho Department of Lands, stated this omnibus pending rule docket as written was before the committee during the 2021 Session. He indicated no changes were made from what the committee reviewed and approved last Session.

MOTION: **Rep. Kauffman** made a motion to approve **Docket No. 20-0000-2100**. **Motion carried by voice vote.**

DOCKET NO. 20-0000-2100F: **Dustin Miller**, Director, Idaho Department of Lands, stated this omnibus pending fee rule docket as written was before the committee during the 2021 Session. He indicated no changes were made from what the committee reviewed and approved last Session.

MOTION: **Rep. Rubel** made a motion to approve **Docket No. 20-0000-2100F**. **Motion carried by voice vote.**

DOCKET NO. 20-0309-2101: **Scott Phillips**, Policy and Communications Chief, Idaho Department of Lands, stated the Department manages the beds of navigable lakes and rivers for the benefit of the public. Funding for the management of navigable waterways comes from fees and rent charged by the Department for that use. He explained, this pending fee rule includes a reduction in regulatory burden by reducing the total word count and the number of restrictive words. Additionally, the following substantive changes were made: 1) the current \$300 application fee, established in 1993, was increased to \$500, which will cover the Department's cost of reviewing and issuing these easements; 2) appraisals, if needed, would now be paid for by the applicant and will not be performed by qualified Department staff; and 3) the Director's approval authority is raised from \$10,000 to \$25,000, to correspond with the same approval authority for easements and endowment lands. Mr. Phillips indicated these rule changes would only impact new easement applications; existing easements would not be affected.

In response to a committee question regarding the increase to the application fee, **Mr. Phillips** stated the Department conducted an analysis of the staff labor costs to process easements and determined the expense to be \$478.82, with close to half of that being spent for legal counsel staff time.

MOTION: **Rep. Gibbs** made a motion to approve **Docket No. 20-0309-2101**. **Motion carried by voice vote.**

DOCKET NO. 20-0601-2101: **Archie Gray**, Forestry Assistant Bureau Chief, Idaho Department of Lands, stated this pending fee rule docket will adopt the new Idaho Cubic Log Scaling Manual. He explained, the new cubic manual is an alternative to the current Scriber (Idaho Log Scaling Manual) and is not meant to be a replacement, but rather to establish a standard uniform set of rules for cubic scale in the event someone chooses to use cubic scale in the future. Mr. Gray indicated no fee amounts were changed in this rulemaking and there are no new fees.

MOTION: **Rep. Yamamoto** made a motion to approve **Docket No. 20-0601-2101. Motion carried by voice vote.**

DOCKET NO. 20-0201-2101: **Archie Gray**, Forestry Assistant Bureau Chief, Idaho Department of Lands, stated this pending fee rule docket, Rules Pertaining to the Idaho Forest Practices Act, addresses minimum standards to assure the continuous growing and harvesting of forest tree species and to protect and maintain the forest soil, water resources, wildlife, and aquatic habitat. He noted the most significant change in this docket is the change to the streamside retention rule, otherwise known as the Shade Rule.

Mr. Gray provided background on the Shade Rule, noting in 2013 the Department began the rule promulgation process to implement changes to stream protection rules. The Shade Rule was derived from years of work to develop science-based requirements for retention of shade, in the form of trees, adjacent to Class I streams to protect water temperature and quality.

In 2014, the Department committed to study the rule's effectiveness and implementation, and where appropriate, revise the rule to address lessons learned. The Department, in coordination with DEQ and the University of Idaho, embarked on a multi-year study to compare the modeled and measured (actual) changes in shade when applying the Shade Rule across different forest types. In January 2020, the study was published.

Mr. Gray explained, the goal was to limit shade loss to no more than 10% based on the simulated modeling. The study demonstrated shade loss was significantly less than 10% when the Shade Rule was properly applied. **Mr. Gray** commented, the Department moved forward to simplify the Shade Rule to make it more easily understood, with the objective of providing management options to landowners while still affording appropriate protections to stream shade and large woody debris recruitment.

Mr. Gray noted, there was also a need to update the rule specific to the use of ground-based logging equipment on steep slopes because the technology used in the logging industry had changed. Additionally, he indicated, road construction rules are being updated to improve water quality protections at stream crossings.

During discussion, committee members noted there are several stakeholders on record concerned with the proposed changes to the Shade Rule and potential litigation that could result from those changes, suggesting the Department should reconsider implementing the changes. **Mr. Gray** remarked, the Department does not believe the changes will result in litigation, rather the changes to the Shade Rule make it easier to follow and create no more jeopardy than the rule as previously written.

In response to committee concerns over shade loss, **Mr. Gray** explained, the Department implemented an effectiveness study in the field, with the goal of not exceeding 10% shade loss, and the data revealed the impact on shade was well below the 10% criteria. He added, the new requirements remain close to the same for the number of trees to be retained, but will take away the confusion of multiple zones, and will give the landowner more options on how to distribute trees. He noted, trees remain more dense closest to streams because they are more important to be left in place. In response to concerns regarding if the new rules will keep water temperatures cool enough, **Mr. Gray** stated it is very difficult to measure water temperatures due to tremendous fluctuations, for example, from snow melt and time of year, that is why shade will be used as a surrogate to water temperature.

MOTION: **Rep. Addis** made a motion to approve **Docket No. 20-0201-2101.**

**SUBSTITUTE
MOTION:**

Rep. Rubel made a substitute motion to reject **Docket No. 20-0201-2101** and spoke to her motion. She expressed concern with the feedback she has received from those who understand the issue and is not reassured fish populations will be protected. She believes this will end up being litigated or the federal government will step in and create more restrictive rules.

**ROLL CALL
VOTE ON
SUBSTITUTE
MOTION:**

Rep. Boyle requested a roll call vote on the substitute motion to reject **Docket No. 20-0201-2101**. **Substitute motion failed on a vote of 3 AYE, 12 NAY, and 3 Absent/Excused. Voting in favor of the motion: Reps. Rubel, Mathias, and Burns. Voting in opposition to the motion: Reps. Gibbs, Lickley, Moyle, Boyle, Vander Woude, Mendive, Kauffman, Addis, Moon, Manwaring, Okuniewicz, and Yamamoto. Reps. Wood, Gestrin, and Blanksma were absent/excused.**

**ROLL CALL
VOTE ON
ORIGINAL
MOTION:**

Rep. Rubel requested a roll call vote on the original motion to approve **Docket No. 20-0201-2101**. **Original motion carried by a vote of 13 AYE, 2 NAY, and 3 absent/excused. Voting in favor of the motion: Reps. Gibbs, Lickley, Moyle, Boyle, Vander Woude, Mendive, Kauffman, Addis, Moon, Manwaring, Okuniewicz, Yamamoto, and Burns. Voting in opposition to the motion: Reps. Rubel and Mathias. Reps. Wood, Gestrin, and Blanksma were absent/excused.**

Vice Chair Lickley turned the gavel over to **Chairman Gibbs**.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 2:36pm.

Representative Lickley
Chair

Tracey McDonnell
Secretary

AGENDA
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Thursday, January 27, 2022

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ew40/>

SUBJECT	DESCRIPTION	PRESENTER
	Fish and Game Commission Introductions	Ed Schriever, Director, Idaho Department of Fish and Game

DOCKET NO.:

13-0000-2100	Notice of Omnibus Rulemaking - Pending Rule	Jim Fredericks, Deputy Director, Idaho Department of Fish and Game
13-0000-2100F	Notice of Omnibus Rulemaking - Pending Fee Rule	Jim Fredericks

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Rep Moyle
Rep Wood
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Rep Gestrin
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Rep Yamamoto
Rep Rubel
Rep Mathias
Rep Burns

COMMITTEE SECRETARY

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MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Thursday, January 27, 2022

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Gibbs, Vice Chairman Lickley, Representatives Moyle, Wood, Boyle, Vander Woude, Gestrin, Mendive, Kauffman, Blanksma, Addis, Moon, Manwaring, Okuniewicz, Yamamoto, Rubel, Mathias, Burns

**ABSENT/
EXCUSED:** Representative(s) Wood

GUESTS: The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

Chairman Gibbs called the meeting to order at 1:30pm.

Ed Schriever, Director, Idaho Department of Fish and Game, introduced members of the Fish and Game Commission to the committee. Those members include **Greg Cameron**, Chair, representing the Magic Valley Region; **Tim Murphy**, representing the Southwest Region; **Dave Bobbitt**, representing the Panhandle Region; **Don Ebert**, representing the Clearwater Region; **Lane Clezie**, representing the Southeast Region; **Derick Attebury**, representing the Upper Snake Region; and **Ron Davies**, representing the Salmon Region. Director Schriever commented, Commissioner Dave Bobbitt is still awaiting Senate confirmation.

Chairman Gibbs turned the gavel over to **Vice Chair Lickley**.

DOCKET NO. 13-0000-2100: **Jim Fredericks**, Deputy Director, Idaho Department of Fish and Game, stated this omnibus pending rule docket as written was before the committee during the 2021 Session. He indicated there were changes made, but the changes do not significantly alter the effect of existing rules; rather the intent is to streamline rules through repeal or simplification of outdated, unnecessary, or ineffective rules. As a result of compliance with the Governor's Executive Order, three chapters, 50 pages of text, and hundreds of restrictions were eliminated.

Mr. Fredericks stated one change of note was in response to detection of Chronic Wasting Disease (CWD) in Idaho, which resulted in modification of the rules regarding movement of cervid carcasses in the CWD management zones. This modification reflects temporary rule language adopted by the Commission that allows the Director to designate a CWD management zone on a temporary basis, allows the movement of tissue and cervid heads to the Department for sampling, and clarifies legal consequences for violating cervid transport rules.

In response to committee questions regarding CWD management in rule rather than statute, **Mr. Fredericks** responded, the Department had rules and a management plan in place realizing it was just a matter of time before CWD would be detected in the state. When it was detected, they realized the rules needed modification due to the restrictive nature of movement of cervid heads and tissue outside of CWD management zones. The Department needed the heads and tissue to be brought in quickly for sampling and study so they needed to modify the rules.

In response to a committee question regarding where CWD has been detected, and when, **Mr. Fredericks** replied, there were four deer and one elk detected with CWD this past fall during the general season hunt and a surveillance hunt in Unit 14. Mr. Fredericks remarked, the Department is currently finishing up their CWD report and will provide it to the committee when finalized.

MOTION: **Rep. Addis** made a motion to approve **Docket No. 13-0000-2100**. **Motion carried by voice vote.**

DOCKET NO. 13-0000-2100F: **Jim Fredericks**, Deputy Director, Idaho Department of Fish and Game, stated this omnibus pending fee rule docket as written was before the committee during the 2021 Session. He indicated no changes were made from what the committee reviewed and approved last Session.

MOTION: **Rep. Burns** made a motion to approve **Docket No. 13-0000-2100F**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:30pm.

Representative Lickley
Chair

Tracey McDonnell
Secretary

AGENDA
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Monday, January 31, 2022

For members of the public to observe the meeting, please click on the following link:
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SUBJECT	DESCRIPTION	PRESENTER
RS 29217	Hunting, Archery Equipment	Rep. Mitchell
H 466	Confined Animal Feeding Operations	David Claiborne, Sawtooth Law Offices Rick Naerebout, Idaho Dairymen's Association
H 467	Water, Revolving Account Loans	Brian Patton, Idaho Department of Water Resources

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Rep Mathias
Rep Burns

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MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Monday, January 31, 2022

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Gibbs, Vice Chairman Lickley, Representatives Moyle, Wood, Boyle, Vander Woude, Gestrin, Mendive, Kauffman, Blanksma, Addis, Moon, Manwaring, Okuniewicz, Yamamoto, Rubel, Mathias, Burns

**ABSENT/
EXCUSED:** None

GUESTS: The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

Chairman Gibbs called the meeting to order at 1:30pm.

MOTION: **Rep. Manwaring** made a motion to approve the minutes of the January 25, 2022 meeting. **Motion carried by voice vote.**

RS 29217: **Rep. Mitchell**, District 5, stated this proposed legislation would provide for lighted arrow nocks and mechanical broad heads for archery hunting in Idaho. He explained, lighted nocks make it easier for a hunter to recover lost arrows, which would be more environmentally safe and protect unsuspected game or people from stepping on them out in the woods. Mechanical broad heads create higher accuracy as well as a more humane kill, and will decrease the waste of game from injuries and lost kills. Overall, he stated, both nocks and mechanical broad heads will assist in the recovery of wildlife and provide a greater level of safety.

MOTION: **Rep. Boyle** made a motion to introduce **RS 29217**. **Motion carried by voice vote.**

H 466: **David Claiborne**, Sawtooth Law Offices, representing the Idaho Dairymen's Association, stated this legislation will add a new section to **Idaho Code, Section 39-3628A**, Agricultural Best Practices (Ag BMP) Fund. Currently, the existing Ag BMP Fund provides grants to make improvements to help meet water quality standards in impaired water bodies. This makes livestock facilities, or confined animal feeding operations (CAFOs), ineligible because they do not actively discharge to water bodies. Additionally, because CAFOs are regarded as a point source under the Clean Water Act, they do not qualify to receive funds from federal funding sources. As a result, CAFOs have no access to existing water quality or environmental improvement program funding. Mr. Claiborne indicated this legislation is a way to make funding available for CAFOs.

Mr. Claiborne explained this legislation will establish a one-time appropriation of \$5M from the General Fund, which is part of an overall \$20M request for environmental improvements in agriculture within the Department of Environmental Quality (DEQ). He added, the language will allow the funds, once appropriated, to be available continuously, meaning there is no requirement to spend the money in the fiscal year. He explained, that is important because it takes approximately 18 months to complete the anticipated 15-20 projects utilizing the funds. Mr. Claiborne also noted other funding from the industry can be used, funds will be expended as directed by a fund committee, and eligible CAFOs will be dairies, beef feedlots, and swine feedlots. This legislation will require an annual report to the Legislature and directs DEQ to provide administrative assistance to the committee.

Rick Naerebout, CEO, Idaho Dairymen's Association, stated dairy producers are under increasing pressure from the buyers of milk to advance environmental practices far beyond regulatory requirements. As a result, the Association is looking to utilize the fund to implement incremental improvements on dairy facilities across the state that will have the greatest environmental benefits. Examples include additions of settling basins, weeping walls, pond maintenance and lining, and advanced mechanical manure separation systems. He indicated, the cost of these potential projects is extremely variable, largely because it depends on the size of the operation and the technical advancements of the system being implemented. Additionally, he stated the Association has been working with industry partners to identify private funds to leverage so the state funding can be maximized.

In response to committee questions regarding how the projects will be managed, **Mr. Naerebout** explained DEQ will provide oversight and administrative support, but the fund committee decides on which projects to fund. He stated, projects will focus on proven technology.

Wyatt Prescott, Idaho Cattleman's Association, spoke **in support** of **H 466**. He noted although the beef side of the industry is smaller than the dairy side, this is a unique opportunity to gain access to resources to help with what comes out of the backside of cattle.

Paul Arrington, Idaho Water Users Association, spoke **in support** of **H 466**, stating being able to leverage state funding with private investments for good projects on the ground is a win.

At the committee's request, **Mary Ann Nelson**, Idaho Department of Environmental Quality, came forward to the podium and provided background information regarding the Ag BMP program and CAFOs. She stated DEQ relies on agency guidance documents for implementation of the Clean Water Act, Section 319 funding, which is a non-point source program. She explained, when the Ag BMP program was implemented in 2017, the Department was directed to include this state program in their funding process. DEQ receives and reviews applications for technical completeness and verifies the proposals fall within the parameters of an agricultural project. After that, the applications are put through a multi-level ranking process for funding. She explained, because CAFOs are a point source operation, they are not eligible for Section 319 non-point source funding. Therefore, when DEQ requests \$20M from the General Fund to be appropriated for the Ag BMP fund, they will set aside \$5M of that \$20M for the CAFOs fund.

Rep. Lickley declared Rule 80 stating a possible conflict of interest.

MOTION:

Rep. Rubel made a motion to send **H 466** to the floor with a **DO PASS** recommendation.

SUBSTITUTE MOTION:

Rep. Boyle made a substitute motion to send **H 466** to General Orders. **Motion failed by voice vote.**

VOTE ON ORIGINAL MOTION:

Chairman Gibbs called for a vote on the original motion to send **H 466** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Lickley** will sponsor the bill on the floor.

H 467: **Brian Patton**, Executive Officer, Idaho Department of Water Resources, stated **H 467** is in response to a Legislative Services audit, which identified a discrepancy with language in **Idaho Code 42-1756(5)**. He explained, this Code governs the security interest requirements of loans made by the Water Resource Board from its Revolving Development Account, and the Board's actual practices of securing loans. While the existing language applies to securing loans to non-governmental borrowers, such as canal companies, it does not match the processes that govern incurring and securing debt by public entities such as irrigation districts, ground water districts, flood control districts, or drainage districts. Mr. Patton remarked **H 467** specifies the Board may enter into loan security arrangements appropriate to the lender and all borrowers that come to the Board for a loan.

MOTION: **Rep. Blanksma** made a motion to send **H 467** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Burns** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:12pm.

Representative Gibbs
Chair

Tracey McDonnell
Secretary

AGENDA
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Tuesday, February 01, 2022

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ew40/>

SUBJECT	DESCRIPTION	PRESENTER
RS 29301	Fish and Game, Allocated Tags	Rep. Gestrin
RS 29126	Boating	Susan Buxton, Director, Idaho Department of Parks and Recreation
	Governor's ARPA Recommendations	Alex Adams, Director, DFM
	Idaho Department of Parks and Recreation Budget Update	Susan Buxton
DOCKET NO.:		
26-0000-2100	Notice of Omnibus Rulemaking - Pending Rule	Susan Buxton
26-0000-2100F	Notice of Omnibus Rulemaking - Pending Fee Rule	Susan Buxton

Public Testimony Will Be Taken by Registering Through the Following Link:
[Register to Testify](#)

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Gibbs
Vice Chairman Lickley
Rep Moyle
Rep Wood
Rep Boyle
Rep Vander Woude

Rep Gestrin
Rep Mendive
Rep Kauffman
Rep Blanksma
Rep Addis
Rep Moon

Rep Manwaring
Rep Okuniewicz
Rep Yamamoto
Rep Rubel
Rep Mathias
Rep Burns

COMMITTEE SECRETARY

Tracey McDonnell
Room: EW62
Phone: 332-1136
Email: hres@house.idaho.gov

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Tuesday, February 01, 2022

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Gibbs, Vice Chairman Lickley, Representative(s) Moyle, Wood, Boyle, Vander Woude, Gestrin, Mendive, Kauffman, Blanksma, Addis, Moon, Manwaring, Okuniewicz, Yamamoto, Rubel, Mathias, Burns

**ABSENT/
EXCUSED:** Representative(s) Moyle, Kauffman, Blanksma, Burns

GUESTS: The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

Chairman Gibbs called the meeting to order at 1:30pm.

RS 29301: **Aaron Lieberman**, Executive Director, Idaho Outfitters and Guides Association, stated this proposed legislation amends **Idaho Code, Section 36-2120** of the Outfitters and Guides Act, to clarify the calculation the Outfitters and Guides Board uses to designate deer and elk hunting tags that are allocated for the use of outfitted hunters by the Idaho Fish and Game Commission. These changes specify that the two years of prior use that form the basis for the calculation are the two calendar years preceding the date of allocation. He commented, this change is necessary to ensure the Board will use the same years of use to designate tags as the Commission uses to allocate tags. It will also ensure the Board can designate tags to individuals in a timely manner, which will be beneficial to the outfitter's businesses.

MOTION: **Rep. Gestrin** made a motion to introduce **RS 29301. Motion carried by voice vote.**

RS 29126: **Susan Buxton**, Director, Idaho Department of Parks and Recreation, stated this proposed legislation is an effort to streamline rules in IDAPA into Idaho state statute, which will simplify enforcement by county marine deputies. The rules are being migrated into statute verbatim with one exception; the U.S. Coast Guard recently changed labels on new life jackets. As a result, the existing language in rules referring to life jackets has been replaced with the new U.S. Coast Guard verbiage.

MOTION: **Rep. Addis** made a motion to introduce **RS 29126. Motion carried by voice vote.**

Alex Adams, Administrator, Department of Financial Management, provided an overview of the American Rescue Plan Act (ARPA) funding as it relates to the Resources and Conservation committee. He remarked, of the \$1.89B Idaho received in discretionary funds, \$250M was for recharge and water storage, \$70M was for water quality and remediation projects, \$300M was for local drinking and wastewater projects, and \$45M was for outdoor recreation. This funding must be spent by December 2024. He explained, the Governor's Office received clarification that ARPA funds can be used for Bureau of Reclamation (BOR) approved water storage projects, so for instance, the project to raise the Anderson Ranch Dam can now be paid for with ARPA funds, freeing up the \$20M that was set aside from the General Fund for this project. Those general funds can now be used on other priority water projects. With a surge in public use of state parks due to the pandemic, the ARPA outdoor recreation funding can address the substantial

list of Parks and Recreation's deferred maintenance backlog projects as well as increase capacity of campsites and day use areas statewide.

Chairman Gibbs turned the gavel over to **Vice Chair Lickley**.

Susan Buxton, Director, Idaho Department Parks and Recreation, provided an update on the Department's budget and plans for use of the \$45M in ARPA funding. She stated 93% of the budget is from fees collected, \$3M is from the General Fund, and the remaining is through grants to manage 30 state parks and over 18,000 miles of multi-use trails. She remarked, staffing levels have remained the same over the last 14 years, which is creating a strain on the Department, especially over the last two years where they saw a 29% increase in visitation. Currently, for every one full-time employee, that employee serves over 46,000 visitors. With parks open all year, increased visitation, and lack of adequate staffing levels, the Department is requesting an increase of 11.58 FTEs statewide.

Director Buxton stated, the Governor's Office recommended to the Department \$20M in ARPA funding in fiscal year 2023, \$10M each in fiscal years 2024 and 2025, and \$5M in 2026. With the funding, the Department will construct 250 new campsites, 25 new day use areas, and 150 new and upgraded boat slips. Additionally, the ARPA funds will help reduce the Department's deferred maintenance backlog. None of the ARPA funds will be spent on Department personnel.

**DOCKET NO.
26-0000-2100:**

Susan Buxton, Director, Idaho Department of Parks and Recreation, stated the primary changes within this omnibus pending rule docket follow the Governor's Executive Order to reduce and eliminate unnecessary, redundant, and outdated words. She noted, the Department modified the Waterways Improvement Fund grant limits where individuals apply for dock and ramp projects across the state. For over 20 years, there has been a cap on any one county receiving more than 30% of the overall fund. There was a proposal to remove the cap, but most counties wanted to retain it. The Board did decide to retain the cap, but increased it to 50% in order to help counties with more expensive projects while keeping the remaining 50% of the funds available for the other counties.

MOTION:

Rep. Mathias made a motion to approve **Docket No. 26-0000-2100. Motion carried by voice vote.**

**DOCKET NO.
26-0000-2100F:**

Susan Buxton, Director, Idaho Department of Parks and Recreation, stated this omnibus pending fee rule docket as written was before the committee during the 2021 Session. She indicated no fees were changed, and no other changes were made from what the committee reviewed and approved last Session. The Department did discover one clerical error on page 252, under Definitions; the definition of Director is incomplete. As a result, Director Buxton requested the committee's approval of this docket with the exception of **Subsection 26.01.33.10.07.**

MOTION:

Rep. Okuniewicz made a motion to approve **Docket No. 26-0000-2100F**, with the exception of **Subsection 26.01.33.10.07. Motion carried by voice vote.**

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 2:28pm.

Representative Lickley
Chair

Tracey McDonnell
Secretary

AGENDA
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Thursday, February 03, 2022

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ew40/>

SUBJECT	DESCRIPTION	PRESENTER
	Idaho Water Resource Board Budget Update	Jeff Raybould, Chairman, Idaho Water Resource Board
	Idaho Department of Water Resources Annual Update	Gary Spackman, Director, Idaho Department of Water Resources

COMMITTEE MEMBERS

Chairman Gibbs
Vice Chairman Lickley
Rep Moyle
Rep Wood
Rep Boyle
Rep Vander Woude

Rep Gestrin
Rep Mendive
Rep Kauffman
Rep Blanksma
Rep Addis
Rep Moon

Rep Manwaring
Rep Okuniewicz
Rep Yamamoto
Rep Rubel
Rep Mathias
Rep Burns

COMMITTEE SECRETARY

Tracey McDonnell
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Phone: 332-1136
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MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Thursday, February 03, 2022

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Gibbs, Vice Chairman Lickley, Representatives Moyle, Wood, Boyle, Vander Woude, Gestrin, Mendive, Kauffman, Blanksma, Addis, Moon, Manwaring, Okuniewicz, Yamamoto, Rubel, Mathias, Burns

**ABSENT/
EXCUSED:** Representative(s) Kauffman

GUESTS: The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

Chairman Gibbs called the meeting to order at 1:31pm.

MOTION: **Rep. Manwaring** made a motion to approve the minutes of the January 27, 2022 meeting. **Motion carried by voice vote.**

Jeff Raybould, Chairman, Idaho Water Resource Board, provided an update regarding water sustainability project funding, including funding from the American Rescue Plan Act (ARPA). He stated there is \$75M from the General Fund for priority water projects that cannot be funded with ARPA dollars, and a total of \$250M available over the next several years for water projects funded through ARPA. The Board met and agreed to move water infrastructure projects that meet the ARPA criteria out of the General Fund project list, which will free up General Fund dollars to fund additional priority projects. Those projects meeting ARPA criteria include Anderson Ranch Reservoir enlargement (\$90M), Mountain Home Air Force Base water pipeline (\$30M), and the ESPA recharge infrastructure (\$75M). Chairman Raybould wrapped up his presentation with a brief overview of several water projects underway, including cloud seeding, Priest Lake water management project, Ririe Reservoir flood control curve rules study, Lemhi Basin water rights, and Bear Lake water storage.

Gary Spackman, Director, Idaho Department of Water Resources, provided the annual Department update. He highlighted several of the ongoing Department water project funding requests including the Bear Lake Adjudication (Phase 2), which began in June 2021, and that it is expected to take ten years to complete. He also spoke about the continued progress on the adjudication of the estimated 70,000 domestic and 130,000 stockwater rights that remain unclaimed in the Snake River Basin.

Additionally, **Director Spackman** stated, the Department is requesting 15 additional FTEs, funded from the General Fund, to hire a variety of water resource specialists and two Bureau Chiefs to build back the Department from the 15 positions lost since 2008. He remarked, it is getting extremely difficult to continue managing the multitude of critical water projects around the state with a flat organizational structure.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:30pm.

Representative Gibbs
Chair

Tracey McDonnell
Secretary

AMENDED AGENDA #1
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Monday, February 07, 2022

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ew40/>

SUBJECT	DESCRIPTION	PRESENTER
RS 29386C1	Stockwater Rights	Rep. Blanksma
RS 29419	Confined Animal Feeding Operations	Bob Naerebout, Idaho Dairyman's Association
H 507	Archery Equipment	Rep. Mitchell
Public testimony on H 507 will be limited to 30 minutes. Individual testimony will be limited to 2 minutes each.		

Public Testimony Will Be Taken by Registering Through the Following Link:
[Register to Testify](#)

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Gibbs
Vice Chairman Lickley
Rep Moyle
Rep Wood
Rep Boyle
Rep Vander Woude

Rep Gestrin
Rep Mendive
Rep Kauffman
Rep Blanksma
Rep Addis
Rep Moon

Rep Manwaring
Rep Okuniewicz
Rep Yamamoto
Rep Rubel
Rep Mathias
Rep Burns

COMMITTEE SECRETARY

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MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Monday, February 07, 2022

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Gibbs, Vice Chairman Lickley (Schutte), Representatives Moyle, Wood (Critchfield), Boyle, Vander Woude, Gestrin, Mendive, Kauffman, Blanksma, Addis, Moon, Manwaring, Okuniewicz, Yamamoto, Rubel, Mathias, Burns

**ABSENT/
EXCUSED:** Representative(s) Rubel

GUESTS: The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

Chairman Gibbs called the meeting to order at 1:32pm.

MOTION: **Rep. Mathias** made a motion to approve the minutes of the January 31, 2022 meeting. **Motion carried by voice vote.**

RS 29386C1: **Rep. Blanksma**, District 23, stated this proposed legislation further clarifies the procedure to be used by the State of Idaho, prior to an order, declaring certain stockwater rights to be forfeited under **Idaho Code, Section 42-222**, for failure to put the rights to beneficial use for a term of five years or more.

MOTION: **Rep. Mathias** made a motion to introduce **RS 29386C1**. **Motion carried by voice vote.**

RS 29419: **Bob Naerebout**, representing the Idaho Dairymen's Association, stated **RS 29419** is replacing **H 466** that was before the committee on January 31, 2022. He remarked, after listening to the committee's discussion and concerns with **H 466**, the Association realized more work was needed. The Association addressed those concerns in **RS 29419**, and vetted them with the Department of Environmental Quality and the Governor's Office. Changes include adjusting the Fiscal Note to "subject to appropriations," and a clearer description of the application process and the roles and responsibilities of the committee.

MOTION: **Rep. Burns** made a motion to introduce **RS 29419**.

**SUBSTITUTE
MOTION:** **Rep. Vander Woude** made a substitute motion to introduce **RS 29419** and recommend it be sent directly to the second reading calendar. **Motion carried by voice vote.** **Rep. Lickley** will sponsor the bill on the floor.

H 507: **Rep. Mitchell**, District 5, explained this legislation will make lighted nocks and mechanical broad heads available and legal for use in Idaho; this legislation does not make their use required. Currently, Idaho is the last state in the country that does not allow their use, yet they have been available to archery hunters since the early 2000's. He explained, lighted nocks make it easier for hunters to recover lost arrows, which will be more environmentally safe and protect unsuspecting game and people from stepping on them out in the woods. He continued, mechanical broad heads create a higher accuracy as well as a more humane kill, decreasing the waste of game from injuries and lost kills.

Rep. Mitchell remarked, there have been many discussions between the Fish and Game Commission and archery hunters and groups over the last 15+ years, including several petitions for lighted nocks dating back to 2014. After studies and discussions, in May 2020, the Commission denied a petition requesting negotiated rulemaking for lighted nocks stating in part, it was important to maintain existing rules regarding primitive weapons for hunting, such as archery and muzzleloaders, and that their position to limit technological advances for that type of weapon remained unchanged.

Brian Brooks, Idaho Wildlife Federation; **Tad Sherman**, Idaho State Bowhunters; **Josh Hanson**, self; and **Alex Wagner**, self, all spoke **in opposition** to **H 507**. The common theme was that the Legislature shouldn't be involved in the Commission's business of setting hunting regulations. Sportsmen are passionate about participating in the hunting regulations process and this legislation will take away that process.

Jim Fredericks, Deputy Director, Idaho Department of Fish and Game, representing the Fish and Game Commission stated, the Commission agrees that advances in equipment technology improve hunter effectiveness and they have been sensitive to concerns that increased success rates in big game seasons, limited to archery or muzzleloaders, may lead to less opportunity requiring shorter seasons, caps on tags, or increased use of controlled hunts. He continued, Idaho hunters have consistently indicated support for maximizing opportunities, preferring longer seasons and general hunts, and the Commission continually tries to find the balance between allowing increasingly effective equipment while preserving liberal hunting opportunities. Since 2006, the Commission has regularly reviewed advances in technology and their implications, and the attempt to balance technology with hunter preferences for opportunities, led to the Commission's denial in 2020 of lighted nocks. With the heightened interest in **H 507**, the Commission is now in agreement that negotiated rulemaking involving hunters interests and input is a better forum than a legislative outcome, and so is **in opposition** to **H 507**.

Dan Schoenberg, self, spoke **in support** of **H 507**, stating allowing choices of tools available for hunters to be better hunters is a good thing.

Benn Brocksome, Idaho Sportsmen Association, spoke **in support** of **H 507**, stating the ability for season setting and methods of take is sacred to the sportsmen in Idaho and that the Commission needs to be a little more pragmatic in dealing with these types of issues so sportsmen don't end up circumventing the process by going to their legislators to fix the problem.

Rep. Mitchell stood and closed. He stated with regard to lighted nocks, the ultimate goal is to find the animal after it is hit, and with mechanical broad heads, the goal is a faster kill. He remarked, people will not be forced to use these items, this legislation will only make it available for use if an archery hunter chooses to use them.

MOTION:

Rep. Moyle made a motion to send **H 507** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Mitchell** will sponsor the bill on the floor.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 2:30pm.

Representative Gibbs
Chair

Tracey McDonnell
Secretary

AGENDA
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Wednesday, February 09, 2022

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ew40/>

SUBJECT	DESCRIPTION	PRESENTER
	Jervois: Building a Leading Independent Cobalt and Nickel Company	Matt Lengerich, Executive General Manager, Jervois
RS 29420	Anderson Ranch Dam	Paul Arrington, Idaho Water Users Association
RS 29461	Boating Fees	Rep. Okuniewicz
RS 29462	Fish and Game Violations	Rep. Boyle
RS 29410	Department of Lands	Rep. Gestrin

COMMITTEE MEMBERS

Chairman Gibbs	Rep Gestrin	Rep Manwaring
Vice Chairman Lickley (Schutte)	Rep Mendive	Rep Okuniewicz
Rep Moyle	Rep Kauffman	Rep Yamamoto
Rep Wood (Critchfield)	Rep Blanksma	Rep Rubel
Rep Boyle	Rep Addis	Rep Mathias
Rep Vander Woude	Rep Moon	Rep Burns

COMMITTEE SECRETARY

Tracey McDonnell
Room: EW62
Phone: 332-1136
Email: hres@house.idaho.gov

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Wednesday, February 09, 2022

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Gibbs, Vice Chairman Lickley (Schutte), Representatives Moyle, Wood (Critchfield), Boyle, Vander Woude, Gestrin, Mendive, Kauffman, Blanksma, Addis, Moon, Manwaring, Okuniewicz, Yamamoto, Rubel, Mathias, Burns

**ABSENT/
EXCUSED:** None

GUESTS: The sign-in sheet will be retained in the committee secretary's office following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

Chairman Gibbs called the meeting to order at 1:30pm.

MOTION: **Rep. Manwaring** made a motion to approve the minutes of the February 1, 2022 meeting. **Motion carried by voice vote.**

Matt Lengerich, Executive General Manager, Jervois, provided an overview of Jervois, a company with key assets in the United States (Idaho), Brazil, and Finland, looking to become a leading nickel and cobalt company. Their Idaho cobalt operation, located on the Salmon-Challis National Forest, near Salmon Idaho, will be the only cobalt mine in the United States once in production. Currently, approximately 70% of the global cobalt supply is sourced from the Democratic Republic of Congo (DRC), with 80-90% being exported to China. The only pathway for the United States to reduce its dependency on cobalt imports and the indirect supply chain from China and the DRC is to develop the Idaho Cobalt mine. Mr. Lengerich explained, cobalt is a key mineral for the United States with regard to the battery supply chain for defense, aerospace, and more recently the automobile industry.

Mr. Lengerich explained, the Idaho cobalt mine will be a low impact underground mine, and is the first cobalt mine in the United States since the 1980's. Jervois is committed to creating a modern mining operation, estimating once in production it can meet up to 30% of the United States demand for cobalt. There are numerous permits underway at the federal level, and construction of the mine is on track, with production expected to begin later this year.

In response to a committee question regarding processing the cobalt, **Mr. Lengerich** noted the concentrate mined from Idaho will be shipped via truck, rail, and ship to the Brazil facility where it will be refined, then returned to the United States.

In response to a committee question regarding what happens to the tailings, **Mr. Lengerich** explained, there are two forms of backfill; cemented rock fill that allows for a permanent underground storage, and a surface dry stack storage facility.

In response to a committee question regarding the life of the mine operation, **Mr. Lengerich** explained, the initial indication is seven years, but the ore sits on an incline going down the mountain, and they haven't drilled below a certain level yet, so are unclear how far it goes. If more ore is present, that could extend the mine's operations.

RS 29420: **Paul Arrington**, Executive Director, Idaho Water Users Association, stated this proposed legislation involves the water right associated with the raising of Anderson Ranch Dam. He explained Idaho Code requires the Director to analyze certain criteria when reviewing whether a new water right can be granted. This legislation states certain of those criteria the Director has to consider will be considered met, and that the Director is not required to do any further analysis.

MOTION: **Rep. Addis** made a motion to introduce **RS 29420. Motion carried by voice vote.**

RS 29461: **Rep. Okuniewicz**, District 2, stated this proposed legislation would raise boating fees for nonresidents who want to enjoy Idaho's waters. This would create a new funding stream, in addition to other boating fees, licenses, stickers, etc., which will go to local counties and the Idaho Department of Parks and Recreation. He remarked this fee would not apply to Idaho residents.

MOTION: **Rep. Yamamoto** made a motion to introduce **RS 29461. Motion carried by voice vote.**

RS 29462: **Rep. Boyle**, District 9, stated this proposed legislation amends **Idaho Code, Section 36-1401**, to revise certain Fish and Game provisions regarding violations, and to make them infractions rather than misdemeanors.

MOTION: **Rep. Addis** made a motion to introduce **RS 29462. Motion carried by voice vote.**

RS 29410: **Brody Aston**, lobbyist, Westerberg and Associates, representing Trident Holdings, stated this proposed legislation would increase the state endowment's long term financial returns through added transparency and accountability in the management, practices, and processes employed by the Idaho Department of Lands. He remarked, this would not remove or reduce the authority of the Land Board; they remain the final arbiter in any decision.

MOTION: **Rep. Okuniewicz** made a motion to introduce **RS 29410. Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:02pm.

Representative Gibbs
Chair

Tracey McDonnell
Secretary

AGENDA
HOUSE RESOURCES & CONSERVATION COMMITTEE
Upon Adjournment from the Floor
Room EW40
Friday, February 11, 2022

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ew40/>

SUBJECT	DESCRIPTION	PRESENTER
RS 29538	Stockwater Rights	Rep. Blanksma
RS 29550	Sunshine Mine	Rep. Giddings

COMMITTEE MEMBERS

Chairman Gibbs
Vice Chairman Lickley
Rep Moyle
Rep Wood (Critchfield)
Rep Boyle
Rep Vander Woude

Rep Gestrin
Rep Mendive
Rep Kauffman
Rep Blanksma
Rep Addis
Rep Moon

Rep Manwaring
Rep Okuniewicz
Rep Yamamoto
Rep Rubel
Rep Mathias
Rep Burns

COMMITTEE SECRETARY

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MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Friday, February 11, 2022

TIME: Upon Adjournment from the Floor

PLACE: Room EW40

MEMBERS: Chairman Gibbs, Vice Chairman Lickley, Representative(s) Moyle, Wood (Critchfield), Boyle, Vander Woude, Gestrin, Mendive, Kauffman, Blanksma, Addis, Moon (Beiswenger), Manwaring, Okuniewicz, Yamamoto, Rubel, Mathias, Burns

**ABSENT/
EXCUSED:** Representative(s) Moyle, Wood (Critchfield), Boyle, Okuniewicz, Mathias

GUESTS: The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

Chairman Gibbs called the meeting to order at 11:55am.

MOTION: **Rep. Manwaring** made a motion to approve the minutes of the February 3, 2022 meeting. **Motion carried by voice vote.**

RS 29538: **Rep. Blanksma**, District 23, stated **RS 29538** replaces **H 558** as a result of stakeholders requesting additional language to tighten up the process for the Director, Idaho Department of Water Resources, regarding permittees who signed agency agreements with the federal government.

MOTION: **Rep. Kauffman** made a motion to introduce **RS 29538**. **Motion carried by voice vote.**

RS 29550: **Rep. Giddings**, District 7, stated this proposed legislation recognizes that 50 years ago, on May 2, 1972, 91 miners lost their lives in the Sunshine Mine as a result of a fire. This legislation will pay tribute to the loss of all of Idaho's fallen miners, the efforts to save them by mine rescue teams, and the grief felt by the families and communities, and will commemorate May 2 from 2022, and every year forward in Idaho, as "Miners' Memorial Day."

MOTION: **Rep. Yamamoto** made a motion to introduce **RS 29550**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 12:01pm.

Representative Gibbs
Chair

Tracey McDonnell
Secretary